

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">25.12</p> <p>Date Filed</p> <p style="text-align: center;">July 28, 2006</p>	<p>Total Pages</p> <p style="text-align: center;">8</p> <p>Effective Date</p> <p style="text-align: center;">December 1, 2006</p>
<p>References/Authority</p> <p>KRS 17.500, 17.550, 196.035, 197.020, 197.170, 197.410, 520.010, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260, CPP 27-15-02</p>	<p>Subject</p> <p style="text-align: center;">HOME INCARCERATION AND MONITORING OF INMATES</p>	

I. DEFINITIONS

“Approved monitoring device” is defined in KRS 532.200(5).

“Eligibility list” means a computer-generated list of the names of inmates who are within one hundred eighty (180) days of their minimum expiration date.

“Emergency” means an unexpected, legitimate condition that would cause an inmate to violate a condition, order or directive relating to home incarceration and monitoring.

“Escape” is defined in KRS 520.010(5).

“Home” is defined in KRS 532.200(1).

“Home incarceration” is defined in KRS 532.200(2).

“Sex crime” is defined in KRS 17.500.

“Violent offense” is defined in the Classification Manual in 501 KAR 6:080.

II. POLICY and PROCEDURE

A. In order to maintain a program for review of inmates for home incarceration and electronic monitoring pursuant to KRS 532.260, the Program Administrator shall:

1. Oversee and manage the home incarceration and electronic monitoring program for inmates;
2. Monitor and revise procedures for the program;
3. Review and approve or disapprove placement in the home incarceration program;
4. Collect data relevant to the program; and

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5. Maintain a list of inmates and offenders on home incarceration.

B. In order for an inmate to be considered for ninety (90) days early release on home incarceration using electronic monitoring, the inmate shall:

1. Be convicted of a Class C or Class D felony;
2. Not be convicted of a violent offense or sex crime;

This shall include:

- a. current and prior convictions; or
 - b. a crime indicated as violent in the Classification Manual and as defined in KRS 439.3401.
3. Have ninety (90) days or less on minimum expiration of sentence to include administrative release;
 4. Participate in a pre-release planning process that addresses education, employment, technical, and vocational skills, and housing, medical, and mental health needs;
 5. Not have a pending felony charge, detainer, warrant or other process issued by a jurisdiction. Misdemeanors shall be considered on a case-by-case basis and may exclude the individual from early release;
 6. Not be serving on a current conviction of escape;
 7. Not have a domestic violence order;
 8. Not have more than ninety (90) days restorable good time loss;
 9. Not be determined guilty of any category VII disciplinary violation within the last five (5) years; and
 10. Freely and voluntarily agree in writing to home incarceration and the conditions set by the Department of Corrections and KRS 532.220.

III. INSTITUTIONAL REVIEW PROCEDURES

- A. Offender Information staff at each institution shall print an eligibility list of inmates serving on a Class C or D felony who are within one hundred eighty (180) days of minimum expiration of sentence and distribute the list to the Classification and Treatment Officers (CTO) at the institution on the first working day of the month.

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B. For each inmate on the list assigned to the CTO, the CTO shall:

1. Review the inmate record to determine if the inmate is eligible. If the inmate is not eligible, the CTO or designated staff shall state the reasons for ineligibility in writing;
2. Interview an eligible inmate to determine if the inmate wants to volunteer for the home incarceration program;
3. Obtain the inmate's written agreement to participate in home incarceration and document institutional review of eligibility;
4. Forward written recommendations for home incarceration and ineligibility determinations to the Warden of the institution for review before sending to the probation and parole officer for assessment of the home placement;
5. Forward documentation to the probation and parole officer of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement request shall be returned to the institution within seven (7) working days of receipt of the request;
6. Upon receipt of the final review by Central Office, provide written notification to the inmate of acceptance or rejection for participation in the home incarceration program.

C. The Warden or designee of each institution shall review the recommendation and ineligibility determinations for accuracy and forward to the Central Office Program Administrator.

D. The Program Administrator shall forward the list to the Deputy Commissioner of Adult Institutions for approval.

E. The Deputy Commissioner of Adult Institutions shall review the eligibility recommendations for approval or disapproval.

IV. COMMUNITY SERVICE CENTER REVIEW PROCEDURES

A. Offender Information staff shall print an eligibility list of inmates serving on a Class C or D felony within the community services program that are within one hundred eighty (180) days of minimum expiration of sentence. The list shall be distributed to the Program Administrator's office on the first working day of the month. The Program Administrator's Office shall distribute the list to the appropriate Classification and Treatment Officer. The CTO shall:

1. Review the inmate record to determine eligibility of the inmate;

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2. Prepare documentation for each eligible inmate and an ineligibility determination for each inmate who is not eligible. The CTO shall:
 - a. Forward the documentation to the Director of the community service center for an inmate to determine if the inmate volunteers for the home incarceration program and provide his written agreement to the conditions of the program; or
 - b. Interview the inmate to determine if the inmate volunteers for the home incarceration program and obtain his written agreement to the conditions of the program;
 3. Forward documentation to the probation and parole officer of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement shall be returned to the Branch Manager of Contract Management within seven (7) working days of receipt of the request;
 4. Provide a recommendation concerning the inmate's need for aftercare programs; and
 5. Provide notification to the inmate of acceptance or rejection for participation in the program.
- B. The Branch Manager of Contract Management shall review the recommendations for home incarceration and ineligibility determinations for accuracy and forward them to the Program Administrator.
 - C. The Program Administrator shall forward the list to the Deputy Commissioner of Community Services and Local Facilities for approval.
 - D. Upon receipt of approval, the Program Administrator shall assign a release date and forward the documents to the Offender Information staff at the appropriate community service center, Central Office Offender Information Office, and the appropriate probation and parole district office.

V. JAIL REVIEW PROCEDURE

- A. Offender Information staff shall print an eligibility list of inmates serving on a Class C or D felony within the jail system within one hundred eighty (180) days of minimum expiration of sentence. The list shall be distributed to the Program Administrator's Office on the first working day of the month. The Program Administrator's Office shall distribute the list to the Classification and Treatment Officer assigned to that jail region.

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B. The Classification and Treatment Officer shall:

1. Review the inmate record to determine eligibility of the inmate;
2. Prepare documentation for each eligible inmate and an ineligibility determination for each inmate who is not eligible. The CTO shall:
 - a. Forward the documentation to the Class D Coordinator for an inmate to determine if the inmate volunteers for the home incarceration program; or
 - b. Interview the inmate to determine if the inmate volunteers for the home incarceration program and obtain his written agreement to the conditions of the program;
3. Forward documentation to the Probation and Parole Officer of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement shall be returned to the Program Administrator within seven (7) working days of receipt of the request;
4. Provide a recommendation concerning the inmate's need for after care programs; and
5. Provide notification to the inmate upon receipt of the final review by the Program Administrator's acceptance or rejection for participation in the program.

C. In the absence of the Classification and Treatment Officer from the Central Office, a Classification and Treatment Officer from the nearest institution to the jail shall be provided to perform the above duties.

D. The Program Administrator shall forward the list to the Deputy Commissioner of Community Services and Local Facilities for approval.

E. Upon receipt of approval, the Program Administrator shall assign a release date and forward the documents to the jail, Central Office Offender Information Office, and the appropriate probation and parole district office.

VI. CONDITIONS OF PROGRAM

A. An inmate placed on home incarceration shall:

1. Have an approved home placement;
2. Have an approved job placement within thirty (30) days after release from the institution;

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3. Enroll in an approved educational program if the inmate does not have a high school education or GED. Proof of enrollment, attendance, and successful completion of the program shall be provided to the probation and parole officer by the inmate;
 4. Attend recommended aftercare programs;
 5. Have a landline unit that is compatible with the approved monitoring device;
 6. If applicable, pay any restitution owed from earnings;
 7. Pay the daily monitoring fee and make payment directly to the monitoring service provider;
 8. Report to the assigned probation and parole officer as directed and for approval of schedule changes as needed; and
 9. Be responsible for expenses pursuant to KRS 532.240.
- B. An inmate who violates the terms of home incarceration may be returned to an institution or jailed until the return to an institution can be accomplished. If the violation was an absence from required placement, the inmate shall be charged with escape.

VII. RELEASE PROCEDURES

- A. Upon approval of release to home incarceration and at least ten (10) days prior to the release of the inmate to home incarceration on electronic monitoring, the institution shall send the notice required by KRS 197.170.
- B. Prior to release, Offender Information staff at the institution or the CTOs covering the community centers and jails shall enter the necessary information for the initial enrollment in the electronic monitoring service provider's web-based system as high risk and confirm activation of the voice recognition system. The probation and parole officer may change the risk level in the web-based system as appropriate.
- C. Prior to release, the inmate shall be provided the date and time to report to the probation and parole district office to be fitted with the approved monitoring device. All hook up and termination of equipment shall be completed by the electronic monitoring service provider.
- D. Prior to release of the inmate, all appropriate home incarceration documentation shall be completed and signed.

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E. VINE shall be activated immediately upon release.

VIII. RESPONSIBILITIES OF THE PROBATION AND PAROLE OFFICER

- A. The probation and parole district office shall be responsible for supervision of an inmate on home incarceration. Inmates on home incarceration shall be tracked using the monitoring service provider's web-based system.
- B. The inmate shall obtain prior approval from the assigned probation and parole officer for any changes in the inmate's schedule. The designated probation and parole officer shall enter all changes in the schedule into the service provider's web-based system.
- C. All information generated by the monitoring service shall be reviewed by the designated probation and parole officer each business day.
- D. The probation and parole officer shall report any home incarceration violations to the District Supervisor or designee and the Program Administrator using the service provider's web-based system.
- F. The inmate shall be lodged in the county jail on a community center detainer due to the following violations:
 - 1. Use or possession of alcohol or illegal drugs; or
 - 2. Possession of a deadly weapon or dangerous instrument.
- G. The Program Administrator shall advise the probation and parole officer as to any disciplinary actions as a result of home incarceration violations.

IX. RESPONSE TO HOME INCARCERATION MONITORING VIOLATION

- A. If monitoring equipment reports a violation to the monitoring center, the monitoring center shall call the inmate.
- B. The monitoring center shall call the probation and parole officer if the problem is not resolved with the inmate.
- C. If the monitoring center is unable to contact the probation and parole officer, the monitoring center shall call the following individuals in order until contact is made:
 - 1. Supervising probation and parole officer;
 - 2. Assistant Supervisor;

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3. District Supervisor;
4. Central Office Duty Officer;
5. Assistant Director;
6. Director;
7. Deputy Commissioner; or
8. Commissioner.

- D. The probation and parole officer shall attempt to call the inmate to verify compliance.
- E. If an inmate has an unexcused absence of three (3) hours or more, with the time calculated from the monitoring center's first notice of violation, the probation and parole officer or his designee shall make a home visit and verify if the inmate is at home and in compliance. If the offender is not at home and in compliance, the officer shall contact the District Supervisor or designee and the Program Administrator. The Program Administrator or designee shall contact the appropriate individuals for issuance of an escape warrant pursuant to KRS 440.010.
- F. The probation and parole officer shall call the appropriate police department if the officer has reasonable suspicion to believe the inmate may harm a victim or commit a new crime.
- G. If the probation and parole officer believes that a victim is in danger, the officer shall attempt to telephone the victim.

X. COMPLETION OF HOME INCARCERATION

On the inmate's release date from home incarceration, the inmate shall report to the probation and parole district office with all monitoring equipment for removal of the approved monitoring device. The device shall be removed after all equipment is returned and the inmate shall be final discharged.